

HOUSE BILL 3281
By Odom

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 3, relative to railroads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Tennessee code commission is directed to change references to the department of transportation to the Tennessee regulatory authority and to transfer to an appropriate place in Tennessee Code Annotated, the provisions of Tennessee Code Annotated, Title 65, Chapter 3, in order to effectuate the transfer of duties, responsibilities, and powers of the department of transportation pertaining to railroads to the Tennessee regulatory authority.

SECTION 2. Tennessee Code Annotated, Section 65-4-105(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) In addition to the power conferred by this chapter on the Tennessee regulatory authority, it shall possess with reference to all public utilities within its jurisdiction all the other powers conferred on them with reference to railroads or transportation companies regulated by the department of safety as provided by chapters 3 and 5 of this title.

SECTION 3. The Tennessee code commission is directed to change references to the department of transportation to the Tennessee regulatory authority and to transfer to an appropriate title in Tennessee Code Annotated the provisions of Tennessee Code Annotated, Chapter 5, Part 1, in order to effectuate the transfer of duties, responsibilities, and powers of the department of transportation to the Tennessee regulatory authority.

SECTION 4.

(a) Tennessee Code Annotated, Section 65-6-207, is amended by deleting the words "department of transportation" and by substituting instead the words "the Tennessee regulatory authority".

(b) Tennessee Code Annotated, Section 65-6-207, is further amended by deleting the words and punctuation "the commissioner of transportation or the commissioner's designee shall have the power and the duty" and by substituting instead the words and punctuation "the authority shall have the power and the duty".

(c) Tennessee Code Annotated, Section 65-6-207, is further amended by deleting the words "the department may find a reasonable necessity" and by substituting instead the words "the authority may find a reasonable necessity".

SECTION 5. Tennessee Code Annotated, Section 65-11-105, is amended by deleting the section in its entirety and by substituting instead the following:

The Tennessee regulatory authority after conducting such hearing as is deemed appropriate, is empowered and directed to determine a standard railroad crossing sign for the state.

SECTION 6. Tennessee Code Annotated, Section 65-11-109(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) That any such railroad company may request the Tennessee regulatory authority for an extension of time within which to begin and complete the actual construction of the underpass or overpass required by such order of the Tennessee regulatory authority. If the railroad company is dissatisfied with the Tennessee regulatory authority's response to the request for an extension of time, such railroad company may file an appeal to the chancery court in the judicial district in which the grade crossing in question is located; provided, that the appeal must be made within thirty (30) days of the date of the adverse response;

SECTION 7. Tennessee Code Annotated, Section 65-11-111, is amended by deleting all the words following the first semicolon in the paragraph through the end of that sentence, which ends with the words "which shall be final" and substituting instead the following words:

provided, that any disagreement between the Tennessee regulatory authority and the railroad company affected with regard to the extent or cost of any such revision of the grade and layout of the railroad tracks directly made necessary by any grade separation,

shall be resolved by the Tennessee regulatory authority and the Tennessee regulatory authority's decision shall be final.

SECTION 8. The Tennessee code commission is directed to change all other references in title 65, chapter 11, to the department of transportation to the Tennessee regulatory authority and to transfer to an appropriate title in Tennessee Code Annotated the provisions of Tennessee Code Annotated, Title 65, Chapter 11, in order to effectuate the transfer of duties, responsibilities and powers of the department of transportation to the Tennessee regulatory authority.

SECTION 9. The Tennessee code commission is directed to change references in title 65, chapter 12, to the department of transportation to the Tennessee regulatory authority and to transfer to an appropriate title in Tennessee Code Annotated the provisions of Tennessee Code Annotated, Title 65, Chapter 12, in order to effectuate the transfer of duties, responsibilities, and powers of the department of transportation to the Tennessee regulatory authority.

SECTION 10. This act shall take effect July 1, 2004, the public welfare requiring it